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## *Bulletin*

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This guide describes the legal and regulatory requirements pertaining to the placement of surplus and displaced employees. It also describes the services REE will provide and the procedures to be followed.

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## **1. Background**

In September 1995, the President issued a memorandum to the Office of Personnel Management (OPM) with instructions to develop new regulations for the placement of surplus and displaced employees. New interim regulations were issued in Part 330, 5 CFR, on December 29, 1995.

## **2. Policy**

The Research, Education, and Economics Agencies (REE) are committed to providing meaningful and effective placement services for employees who are adversely affected by downsizing, streamlining, reorganization, budget constraints, or similar events.

## **3. Planning**

Managers should anticipate changing or declining human resource needs and take action to minimize the disruption, cost, and human impact. Among the options available to management are:

- ! Retraining employees for different positions in the same organization or elsewhere in the Federal government. This may facilitate the continued employment of someone who might otherwise be separated.
- ! Non-competitive reassignments or relocations within the organization or elsewhere, subject to the restrictions in this guide. Qualification requirements may be waived to facilitate placement.
- ! Early retirement, subject to OPM and departmental approval.
- ! Developmental details to other positions to acquire new skills or assess potential for permanent assignment to another occupation.
- ! Placement services, employee assistance, and guidance. Efforts should be made to provide career counseling, career transition workshops, job search information, assistance in resume preparation (there are many computer programs for this purpose), and vacancy listings for REE, the Department, other agencies, and non-Federal employers.

Management should consult with employees to determine what services are needed. One may need help finding vacancies while another may need help with a resume or other personalized services. Managers are also expected to reasonably accommodate employees with disabilities.

Management may initiate these services at **any time**, preferably as far in advance as possible. The organization **does not** have to be in an active downsizing mode or in an actual RIF situation to provide placement assistance.

Former REE employees may utilize our career transition service for 90 days following separation when feasible or practical.

#### **4. Covered Employees**

The Career Transition Assistance Program covers permanent employees (tenure group I and II) in the competitive service. This includes priority placement eligibility and career transition placement service.

Temporary and term employees, excepted service employees (student employees, post-docs, seasonal workers under the Letter of Authority L/A), and Senior Executive Service (SES) employees are not eligible for the priority placement aspects of the program, **but** they may utilize some of the services provided by the program on a "space available" basis.

The coverage of employees in bargaining units is in accordance with the applicable negotiated agreement.

#### **5. Selection Priority**

Whenever management fills a vacancy, as defined in the glossary, they must follow the instructions in this guide and give priority consideration as directed, **unless the action is clearly excluded from coverage**. When a vacancy is to be filled from within USDA, surplus USDA employees have selection priority. When management wants to fill a vacancy from outside the Department, USDA surplus employees have selection priority, followed by reemployment priority eligibles,

then by displaced Federal employees.

## **6. Eligibility Requirements**

Surplus or displaced REE employees will be eligible for selection priority if:

- ! they have a current performance rating of at least fully successful;
- ! they apply for an announced vacancy in the same commuting area;
- ! the vacancy is at or below the employee's grade and does not have greater promotion potential than the previous position; and
- ! they are found to be well qualified.

To be found well qualified, employees must:

- ! have an acceptable level of competence in all of the selective factors and the quality ranking factors;
- ! be physically qualified, with reasonable accommodation where appropriate; and
- ! be able to satisfactorily perform the duties of the position upon entry.

## **7. Notices**

Employees should be issued a notice of expected separation or certified as being surplus when there is a clear possibility of separation. Employees may be declared surplus by series, organizationally, or by any other appropriate method.

Employees who are at risk should be issued notices as early as possible. This will provide time for them to find other employment. If an organization must cut a certain percentage of its workforce, an effort should be made to identify those employees who are at risk. The issuance of notices to everyone in the organization would be inappropriate. The judicious use of notices ensures that only those who need assistance get it. The notice must state the employee's

name, title, series, grade, duty location, full performance level of current position, reason for the notice, and the name of a contact person. REE employees will be given printed information describing how the program works.

A surplus notice will be valid from the date of issue until: (1) it is withdrawn, (2) the employee is placed, or (3) the employee is separated.

## **8. Delegation of Authority**

Branch Chiefs, Human Resource Division (HRD), are authorized to issue notices to employees.

## **9. Employee Empowerment**

The career transition program is based on the employee empowerment model. The employee is given access to information concerning vacancies, eligibility for selection priority, and an opportunity to decide where and when to use that eligibility.

## **10. Coverage of Program**

**All** personnel actions that fill a vacancy in the competitive service are covered, including reassignments, promotions, reinstatements, transfers, new appointments, and change to lower grade actions.

The following types of actions are excluded:

- !** Excepted appointments (such as Research Associates and student appointments), conversions of excepted employees (when the appointment provides for non-competitive conversions), and movements of excepted employees.
- !** Details, career ladder promotions, and reclassification actions, such as accretion of duties.
- !** Personnel actions taken to resolve a discrimination complaint, grievance, or under alternate dispute resolution procedures, or when required by law or regulation. Examples include reemployment of a former employee with restoration rights, placements of employees under reduction in force

procedures, and placements to accommodate persons with disabilities.

- ! Placement in a new position as a result of reorganization when the former position ceases to exist and no vacancy results.
- ! Critical placements under the Intergovernmental Placement Act.
- ! Recall of seasonal employees from Leave Without Pay (LWOP).
- ! Temporary appointments and temporary promotions of less than 90 days (extensions included).
- ! Exchange of positions between agency employees with no change in grade or promotion potential (e.g., employee A is reassigned to B's position; B is reassigned to A's position; or employees with rotational assignments as a condition of employment).
- ! Non-competitive movement of surplus or displaced employees.

Unless the action is excluded, we may reassign, promote, or place a non-surplus employee in a lower grade **only if no eligible surplus employees apply**.

## 11. Procedures for Recruitment within USDA

**Basic Rule.** A well qualified USDA surplus employee must receive selection priority when filling a vacancy by recruitment within USDA or externally.

**Announcing Vacancies.** In order to provide surplus employees with an opportunity to apply for consideration, all vacancies (as defined above) must be announced, including those which management may wish to fill non-competitively from within. There are several options:

- ! The traditional area of consideration may be used (e.g., ARS Beltsville commuting area). However, the vacancy **must** be posted on the Department's vacancy listing to give surplus employees from other USDA agencies in the commuting area an opportunity to apply. It would suffice to use wording such as "USDA surplus employees in the \_\_\_\_\_ commuting area may apply."
- ! If we expect surplus employees from within REE to apply, the initial

announcement does not have to include the Department. We would have to extend it to the Department if an REE surplus employee is not selected.

- ! Vacancies may be announced as reassignment opportunities for non-competitive applicants only. It does not have to be a competitive promotion announcement to satisfy the regulatory requirements. Surplus employees are eligible for priority consideration only for positions that do not involve promotion. Acceptable wording on an announcement would be "This is a non-competitive opportunity. Your current grade must be at least GS-\_\_."

Most announcements from the Department and REE will be publicized electronically. Since many employees do not have access to E-mail, any location that has surplus or displaced employees is **required** to download the vacancy listing for their area every week and post a hard copy.

**Applications.** Surplus employees must apply through normal procedures, during the open period, and comply with all of the instructions in the announcement. Employees must also provide proof of eligibility to obtain selection priority. REE will accept applications from surplus USDA employees within the commuting area. The acceptance of applications from people outside the area of consideration is discretionary with management.

If an eligible surplus employee applies, HRD must determine if that individual is well qualified. Agency management and subject matter experts will be consulted, as needed, in making that determination. If that person is found to be well qualified, no other individual, internal or external to USDA, may be considered or selected. If no well qualified surplus employees apply, management may fill the vacancy from internal USDA sources or proceed to recruit from external sources.

## **12. Procedures for External Recruitment - Filling Vacancies from Outside USDA**

The following procedures cover **all** recruitment from sources outside the current USDA workforce. This includes competitive hiring from registers, delegated examining, DEMO, reinstatements, and transfers.

**USDA Surplus Employees Receive First Consideration.** Well qualified USDA surplus employees in the commuting area have selection priority over external applicants. Vacancies must be advertised within USDA simultaneously or prior to soliciting external applicants. **If any are available, we may not consider**

external applicants.

**Reemployment Priority List.** For many years we have been required by law to maintain a reemployment priority list (RPL) for former USDA employees separated due to reduction in force (RIF) or compensable injury. This program is not affected by the new career transition regulations. The RPL, maintained by the Department, must first be cleared, before any external recruitment can take place. If there are any qualified candidates available, they will receive selection priority, and no other external candidates may be considered.

**Announcing Vacancies.** All competitive service vacancies must be announced on OPM's bulletin board. The minimum open period is 1 week. If the position has not already been advertised on the USDA bulletin board, it must also be posted there.

If management is considering a reinstatement or a transfer of a candidate who does not have to compete for the job (as would be the case if there was no promotion or increased promotion potential involved), it is not necessary to issue a competitive vacancy announcement. The announcement may be limited to displaced employees in the commuting area at or above a certain grade.

If a displaced employee applies from the commuting area, the candidate must be evaluated and, if well qualified, no other person may be considered. If no eligible displaced employee applies, normal recruitment may proceed.

**Applications.** Displaced employees must file during the open period and submit all of the same information as other applicants, as well as proof of any entitlement to selection priority. If a displaced employee is selected, the nature of action will be reinstatement or transfer.

**Declinations.** Displaced employees who decline an offer of employment are no longer entitled to selection priority for future vacancies in USDA.

**Temporary and Term Positions.** Positions that have a not-to-exceed date of 90 days or more must be made available to USDA surplus and displaced employees. If an appointment is made for a shorter period and extended beyond 90 days (total service), it must be announced under the career transition program first. All extensions of temporary or term positions are subject to this program even if the original appointment was made before this program took effect. If the incumbent is eligible to be extended without competition, the use of a non-

competitive announcement (solely for the benefit of surplus and displaced employees) may be used.

## **13. Order of Consideration**

### **Internal Recruitment Within USDA**

- ! Well qualified USDA surplus employees within the commuting area.
- ! All other internal candidates.

### **External Recruitment**

- ! Well qualified USDA surplus employees within the commuting area.
- ! Reemployment priority eligibles.
- ! Well qualified displaced employees, same commuting area, any agency.
- ! Transfer, reinstatement, new hires.

## **14. Summary of Responsibilities**

### **Employees**

- ! Monitor vacancies, apply according to the instructions.
- ! Make full use of our career transition services.
- ! Request official time in advance and provide acceptable evidence regarding how that time was used.

### **Managers and Supervisors**

- ! Give full and fair consideration to any employee referred to them.
- ! Comply with the intent of the program as well as the procedural requirements.
- ! Provide counseling and guidance as needed.
- ! Ensure that vacancy information is made available to affected employees.
- ! Provide adequate support for training programs.
- ! Managers and supervisors are authorized to approve 40 hours of official time for affected employees to utilize career transition services. Additional

time may be granted when justified.

## Human Resources Division

- ! Provide information, advice, and assistance to management and employees.
- ! Maintain records pertaining to the eligibility of employees for placement services, track referrals, and prepare reports.
- ! Ensure that vacancies receive appropriate publicity.
- ! Review disputed cases and render a decision.

## 5. Glossary

**Agency.** A department or independent establishment. USDA is considered to be one agency.

**Displaced employee.** A current permanent employee in the competitive service who has received a specific RIF separation notice, or one who has already been separated under RIF procedures. Also included are former employees who declined a transfer of function or directed reassignment to another commuting area, recovered disability annuitants, and those recovered from compensable injuries.

**Vacancy.** Permanent, term, or temporary (at least 90 days, including any extensions) positions in the competitive service that management is filling.

**Surplus employee.** A current permanent employee in the competitive service who has received a notice of expected separation or other certification which identifies the employee as being in a surplus organization or occupation. **Important note:** USDA employees who have received separation notices, but are still on the rolls, are covered by the displaced employee program. They are entitled to the same rights and benefits as surplus employees.

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